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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. NO. 2046 **/ 2003**

SMT. DAYAMATI VERMA, Aged about 50 years
WIFE OF SHRI RAMESH PRASAD VERMA, AGANWADI WORKER, RESIDENT OF VILLAGE TOKAPAL, DISTT. BASTAR [C.G.]

PETITIONER

VERSUS

1.STATE OF CHHATTISGARH THROUGH SECRETARY, MINISTRY FOR WOMEN AND CHILD WELFARE , DKS BHAVAN, RAIPUR [C.G.]

2. THE COLLECTOR, BASTAR DISTT. BASTAR.

RESPONDENTS

P. R. No. 1966/03
Presented by Shri D. P. Sharma
dated 10.03.03

WRIT PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS, CERTIORARI AND/OR ORDER(S), AND/OR DIRECTION(S) IN THE NATURE OF WRITS

(33)

XI-HC--78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP/1250/2046 **सन्** 2003

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	20.02.2004 Shri B.P. Sharma, counsel for the petitioner. Shri Ranbir Singh, Govt.Advocate for the respondents. Heard finally. The petitioner has filed the present petition challenging the order dated 28.6.2003 (Annexure P-1) passed by respondent no.2 so far as it relates to change of headquarter during suspension. Shri B.P. Sharma submits that the allegations against the petitioner are in respect of Bastanar where she was working and charge sheet has been filed and pursuant to her suspension, her headquarter has been changed to Keshkal which is 122 Kms. away from Bastanar. He submits that the act of respondents shifting the headquarters from Bastanar to Keshkal is harsh. He further submits that there is nothing on record to show the reason for shifting of the petitioner to such a long distance. It is also submitted that the petitioner is a lady and is to maintain family and her three children and if the headquarters is changed to such long distance then she has to be provided accommodation where she can shift the family and her children may get education etc. It is stated that Keshkal area of Bastar region is a Naxalite affected area and it will be difficult for her to live there.	

(34)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक 12.P. 2046 सन् 2003

आदेश पत्रक (पूर्वानुबद्ध)

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It is contended that the respondents may reconsider the same and if at all she is required to be shifted, then she may be posted to a nearer place of 20-30 Kms. distance from Bastanar, from where she can do journey up and down.

Learned counsel for the State on the other hand supported the impugned order.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, the impugned order posting the petitioner to Keshkal during suspension is not sustainable and is set aside.

The collector may pass a fresh order regarding change of headquater to any place nearer to Bastanar and till the reconsideration of the matter she is allowed to continue at Bastanar. It is however made clear that in case any complaint regarding tampering or otherwise is received against the applicant, it is open to the authorities concerned to pass appropriate orders ~~on that question~~ and or take action as per law.

With the aforesaid observation, this petition stands disposed of at this stage.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

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